

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA AND STATES  
OF THE UNITED STATES, ex. Rel.  
PATRICK DONOHUE

Plaintiff-Relator

VS.

RICHARD CARRANZA, in his official capacity  
as the Former Chancellor of New York City  
Department of Education, et al

Defendants

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CIVIL ACTION NO:  
1:20-cv-5396 (GHW)

FEBRUARY 13, 2023

**RESPONSE TO PLAINTIFF-RELATOR'S OBJECTIONS TO MAGISTRATE JUDGE  
STEWART D. AARON'S REPORT AND RECOMMENDATION TO  
GRANT STAMFORD BOARD OF EDUCATION AND DR. TAMU LUCERO'S  
MOTION TO DISMISS**

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Stamford Board of Education and Dr. Tamu Lucero*

Ryan P. Driscoll, Esquire.  
Partner

The Defendants, Stamford Board of Education and Dr. Tamu Lucero (hereinafter collectively “Stamford” of the “Stamford Defendants”), hereby respectfully submit this response to the Plaintiff-Relator, Patrick Donohue’s (the “Plaintiff” or the “Plaintiff-Relator”), Objections to the Report and Recommendation of Magistrate Judge Stewart D. Aaron (*ECF No. 247 [Objection]* and *ECF No. 245 [Report and Recommendation]*). In the interest of brevity and not inundating the Court with repetitive arguments, the Stamford Defendants respectfully submit that those arguments made by the Board of Education of the City of Chicago and Jose M. Torres, Ph.D. (the “Chicago Defendants”)(*ECF No. 254*) and the Niagara Falls City School District and its superintendent Mark Laurie (the “Niagara Falls Defendants”)(*ECF No. 255*) also apply to them. The Stamford Defendants, therefore, adopt as if set forth more fully herein, all arguments asserted by the Chicago and Niagara Falls Defendants. More specifically, the Stamford Defendants submit that:

- a. the Plaintiff-Relator’s Objection simply rehashes and reargues the arguments made to Magistrate Judge Aaron;
- b. the Plaintiff-Relator has failed to point out any argument that was not considered by Magistrate Judge Aaron;
- c. the Plaintiff-Relator cannot demonstrate clear error by Magistrate Judge Aaron; and
- d. there is no basis for granting the Plaintiff-Relator leave to amend his complaint,

For these reasons, and those set forth more fully in the Chicago and Niagara Falls Defendants’ responses, the Stamford Defendants respectfully request that the Court review the Report and Recommendation of Magistrate Judge Aaron and find that the Plaintiff-Relator has established no valid basis to object. Therefore, the Court should adopt Magistrate Judge Aaron’s Report and Recommendation in full and dismiss this action.

THE DEFENDANTS  
STAMFORD BOARD OF EDUCATION AND  
TAMU LUCERO

By: /s/Ryan P. Driscoll  
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**CERTIFICATION OF SERVICE**

I hereby certify that on the date hereon, a copy of the foregoing motion was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/ Ryan P. Driscoll  
Ryan P. Driscoll